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TROVER AND CONVERSION — WHAT CONSTITUTES CONVERSION — FACTOR'S LIABILITY FOR SALE AUTHORIZED BY THE APPARENT OWNER. — The defendant, a factor, received cotton from a customer in regular course. It belonged, in fact, to the plaintiff. The defendant, in ignorance of the plaintiff's title, sold the goods and paid the proceeds to the customer. *Held*, that the defendant had not converted the cotton. *Fargason Co. v. Ball*, 159 S. W. 221 (Tenn.).

The principal case is contrary to the well-settled rule that when a defendant knowingly consummates the sale of a plaintiff's property, though in good faith and in ignorance of the plaintiff's title, he is liable for converting it. *Consolidated Gas Co. v. Curtis* [1892], 1 Q. B. 495; *Flannery v. Harley*, 43 S. E. 765. See 21 HARV. L. REV. 408. Tennessee, however, is committed to the view expressed in the principal case. *Roach v. Turk*, 9 Heisk. (Tenn.) 708. Kentucky has also taken this position, claiming that the burden of examining the titles of all produce shipped to commission merchants for sale would drive them out of business. *Abernathy v. Wheeler*, 13 Ky. L. Rep. 730. A pronounced tendency to break away from the technical rule of conversion in the interests of commerce is evident in other cases. A bailee who redelivers unlawfully deposited property to the bailor, the apparent owner, is clearly not liable to the real owner. *Union Credit Bank v. Mersey Docks & Harlow Board* [1899], 2 Q. B. 205. A common carrier who receives goods from the apparent owner and innocently delivers them in pursuance of the bailment is not liable in trover. *Nanson v. Jacob*, 93 Mo. 331, 6 S. W. 246. A carrier indeed stands in need of protection because he must take all goods rightfully delivered to him. But since the necessities of business force commission merchants to rely on appearances they are in fact as greatly in need of protection as are boilers and common carriers.

WATERS AND WATERCOURSES — NATURAL LAKES AND PONDS — OWNER-SHIP OF BED OF NAVIGABLE LAKE. — The state brought suit to quiet title to the bed of a lake, claiming that it was navigable in the technical sense. There were a number of sandbars and dead trees to obstruct travel. *Held*, that such a lake being navigable, title to the bed is in the state. *State v. West Tennessee Land Co.*, 158 S. W. 746 (Tenn.).

This case is commented upon in this issue of the REVIEW on p. 80.

BOOK REVIEWS.

PENAL PHILOSOPHY. By Gabriel Tarde. Translated from the fourth French edition. By Rapelje Howell. Boston: Little, Brown, and Company. 1912. pp. xxxii, 581.

This work deals, according to the statement of the author in his foreword, with three different matters: First, an attempt to reconcile moral responsibility with scientific determinism; second, an explanation of crime in conformity with the views of the author; third, an indication of needed legislative and penal reforms suggested by the views previously presented.

The attempt to reconcile scientific determinism with moral responsibility is based upon the necessity of finding some foundation for moral responsibility other than free will. In an increasing number of cases it is becoming recognized and admitted that the criminal could not have done other than he did. The defense is able, more and more strongly, to rely upon the alienist in its attempt to prove that fact. If that fact, then, is recognized as a defense, we face, according to the author, a very real social danger in that in an ever